

2014 Seattle City Council Statement of Legislative Intent

Ready for Notebook

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Budget Action Title: Municipal Court: Renewal and expansion of Community Court

Councilmembers: Budget Committee

Staff Analyst: Peter Harris; Traci Ratzliff; Christa Valles

Date		Total	SB	BH	TR	RC	TB	NL	JG	SC	MO
	Yes										
	No										
	Abstain										
	Absent										

Statement of Legislative Intent:

In approving the budget for the Municipal Court and the new Community Court Crew Chief, it is the Council's intent to support the renewal and expansion of the Seattle Community Court and its goals of producing better results for defendants and the community. The Council recognizes that Community Court is a collaborative effort by prosecution, defense and the Municipal Court.

Because the success of Community Court depends on the cooperation of all branches of City government, it is to the benefit of all to have a clear understanding of what Community Court is accomplishing, and how. To this end the Council requests that the Municipal Court, City Attorney and Associated Counsel for the Accused provide an initial written report on the following by July 2014:

1. Outputs

- 1.1. The number of Community Court offers made to defendants by the City Attorney, by kind of offense.
- 1.2. The number of Community Court agreements signed by defendants, by kind of offense.
- 1.3. The number of social service contacts mandated for defendants.
- 1.4. The number of community service hours mandated for defendants.

2. Intermediate Outcomes

- 2.1. The average time between a Community Court offer and a Court-ordered agreement.

2.2. The number of defendants receiving mandated services, and the nature and amounts of services received.

2.3. The number of community service sites, the number of community service hours completed by defendants, and the value and visibility to the community of this service.

3. Long Term Outcomes

3.1. The impact of Community Court on defendant recidivism.

3.2. The impact of Community Court on the use of judicial resources and jail.

3.3. The impact of Community Court on perceived safety in the community.

The Council recognizes that the definition and measurement of these three impacts will require analysis and discussion.

Background

The proposed budget for the Municipal Court includes a new crew supervisor for Community Court, whose job would be to drive Community Court defendants to sites where they perform community service and supervise them there. This is a small part of a large change in Community Court that is already occurring.

The new crew supervisor will free up time for the existing two Community Court probation counselors to assess defendants, develop service plans for them, monitor their compliance, and administer sanctions for failure to comply. Much of this is new work for the probation counselors, and is the result of two major changes.

One of these is an increase in the number of offenses that are eligible for Community Court, combined with a commitment by the City Attorney and Court to use Community Court for more of the offenses already eligible. Some of the eligible offenses are disorderly conduct, failure to appear, pedestrian interference, prostitution, theft under \$750 and trespass.

The other change is an increase in how long the Community Court can have jurisdiction over the defendant. Depending on the signed agreement, the defendant may have service requirements lasting between two weeks and six months.

These and other new features of Community Court are spelled out in detailed procedures. The process is this:

An officer makes an arrest for one of the low-level misdemeanors that are eligible. The City Attorney files charges. If the defendant's criminal history is not disqualifying, the City Attorney offers Community Court as an alternative to the traditional process of setting the case for trial, negotiating a plea or accepting a guilty plea and imposing a sentence.

If the defendant accepts the offer to participate in Community Court, a probation counselor assesses the defendant and proposes a set of actions the defendant must take, each of which has consequences for failure to comply, over a period that can range from two weeks to six months. The steps and consequences are drawn from a set of procedures developed and agreed to by the prosecutor, public defense and Court. The steps can include chemical dependency treatment, mental health treatment, employment training, literacy training, housing assistance, or other service referrals, as well as community service.

The prosecutor and defendant (and defendant's counsel) have the opportunity to negotiate the probation counselor's proposal. If the defendant agrees to the proposal, the Court signs the resulting order. If the defendant complies with the agreement, the current charges are dismissed or the case is closed. If the defendant fails to comply, the probation counselor can deliver sanctions administratively, recommend Court sanctions, or refer the case back to the Court, which may revoke the Community Court agreement and impose a jail sentence.

The success of Community Court will depend in part on the availability of the services that defendants need. The renewed Community Court intends to do more than point defendants to services, but the ability to require a defendant to obtain a service obviously depends on the practical possibility of the defendant doing so, in each case. Thus the agreements that are crafted will necessarily reflect a balance between the service the defendant ideally would receive and the service the City is able to deliver. One purpose of the report called for by this Statement of Legislative Intent is to identify any service gaps that interfere with Community Court so that they might be addressed by the City.

It is not yet clear how best to measure the impact of Community Court on defendant recidivism, the use of judicial resources and jail, and perceived safety in the community. Measuring the first two impacts should be conceptually straightforward, but defining appropriate comparison groups and collecting data efficiently may present some difficulties. Measuring the impact of Community Court on perceived safety in the community will first require a concrete definition of what a realistic expectation may be for such an impact and how it might be observed.

Responsible Council Committee(s): Public Safety, Civil Rights and Technology

Date Due to Council: July 31, 2014